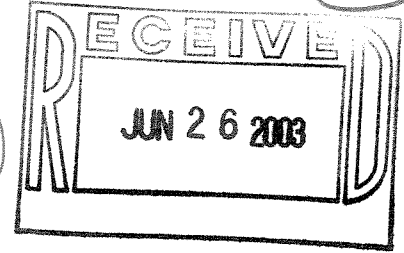


ANDERSON & KREIGER LLP

STEPHEN D. ANDERSON
sanderson@andersonkreiger.com

CONSENT 7/14/03



June 25, 2003

Mr. Don P. Johnson
Town Manager
Acton Town Hall
472 Main Street
Acton, MA 01720

RE: Zoning Board of Appeals
Chapter 268A Disclosure

Dear Don:

Pursuant to G.L. c. 268A, § 19(b)(1)¹ and 23(b)(3),² I am writing to you to disclose to the Town's appointing authority for Town Counsel the following facts and circumstances.

As you know, I have been present as Town Counsel at the Acton Board of Appeals' hearings regarding the proposed comprehensive permit for 520 Main Street. During the public

¹ Section 19(b)(1) provides that: Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both. ... (b) It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee " (emphasis added).

² Section 23(b)(3) provides that "No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know: ... (3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion" (emphasis added).

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comment session near the end of the hearing last evening, Attorney Jon Witten made comments in opposition to the project on behalf of neighbors and a non-profit corporation being formed by them.

Please be advised that Mr. Witten and I serve on the Board of a small 501(c)(3) corporation dedicated to saving the rainforest through environmental education. Mr. Witten has also referred certain cases to my firm in the 40B area. The 501(c)(3) corporation is not a party to nor does it have an interest in the 520 Main Street matter. The 40B referrals involve different parties concerned with different developments in other towns. For example, in a case in Marion, Mr. Witten is special town counsel and he referred certain citizens to us regarding a 40B matter. In another case in Sharon, Mr. Witten represents a group of citizens on one 40B project and he referred a different group of citizens to us on a different 40B project in the same town.

I do not believe that either of these circumstances should cause a reasonable person, having knowledge of the relevant circumstances, to conclude that Mr. Witten can improperly influence or unduly enjoy my favor in the performance of my official duties, or that I am likely to act or fail to act as a result of rank, position or undue influence by Mr. Witten. However, in an abundance of caution I am filing this disclosure with you and providing a copy of this disclosure to the Board of Appeals for inclusion with its minutes of the public hearing in this matter. I also request that the Town's appointing authority make a written determination in advance of the August 5, 2003, continued public hearing that the foregoing matters are not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from Anderson & Kreiger LLP, in the 520 Main Street matter.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen D. Anderson", with a stylized flourish at the end.

Stephen D. Anderson

The appointing authority for the position of Acton Town Counsel has determined that the foregoing matters are not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from Anderson & Kreiger LLP, in the 520 Main Street matter and has further concluded that these circumstances should not cause a reasonable person, having knowledge of the relevant circumstances, to conclude that Mr. Witten can improperly influence or unduly enjoy Town Counsel's favor in the performance of his official duties, or that

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Town Counsel is likely to act or fail to act as a result of rank, position or undue influence by Mr. Witten.

Don P. Johnson, Town Manager

SDA:kmf

cc: Acton Town Clerk
Acton Board of Appeals
Mr. Garry Rhodes, Building Commissioner
Mr. Mark O'Hagan
Jon Witten, Esq.
Daniel C. Hill, Esq.
Arthur P. Kreiger, Esq.

Acton/40B-Main Street/L/Johnsona.wpd